

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 15 and 20 are amended and claims 21-22 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 10 line 1 to page 12, line 7), figures (e.g., FIG. 5), and claims (e.g., original claim 1) and thus, no new matter has been added. Claims 1-22 are pending.

**Claim Rejections - 35 U.S.C. § 101**

Claim 20 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully submit that the computer-readable signal-bearing media of the article claim 20 may be recognized by 35 U.S.C. § 101 as an article of manufacture. MPEP section 2106, IV. B. 1. Nonstatutory Subject Matter, second paragraph states:

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

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Applicants believe the current language of independent claim 20 comprises functional descriptive material recorded on the one or more computer-readable signal-bearing media and respectfully request withdrawal of the § 101 rejection. Should the Examiner maintain this rejection, applicants respectfully request a sample alternative language for consideration or a phone interview with applicants' attorney for clarification.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 6-10, and 12-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Harrison et al. (U.S. Patent No. 6,418,216; "Harrison") in view of Vishwanathan et al. (U.S. Patent Appl. Pub. No. 2003/0017836; "Vishwanathan"). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Perry (U.S. Patent Appl. Pub. No. 2002/0089938). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Bales et al. (U.S. Patent No. 5,590,127; "Bales").

These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the mobile switching component that performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Sharma, McGregor, Guterman, and Ross. This discussion, however, is in no way meant to acquiesce in any characterization that one or

more parts of the Office Action's citations to Sharma, McGregor, Guterman, or Ross correspond to the claimed invention.

Harrison (column 5, lines 48-59) discloses:

As before, when sites A and B are instantly connected and a telephone call to site B originates at site C, the call from C is sent to switch B. However, in this environment, switch B operates through its switch processor 9 to interrogate a telephone system database for determining a suitable next action which may include application of barge-in service if the caller at C has suitable authorization for such. An option at this point, assuming that site B is busy and subscribed to call waiting service, is for switch B to apply several call waiting tones to site B and then proceed with other actions described next if the party using site B fails to react to the call waiting signals.

Harrison discloses the switch processor for barge-in to a public switched telephone network (FIG. 2). Harrison fails to disclose the mobile switching component that performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call.

So, the Office Action's citation to Harrison fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Vishwanathan (paragraph 5, lines 1-4; FIG. 1) discloses:

MSC 110 acts as a local switching exchange (with additional features to handle mobility management requirements, discussed below) and communicates with the phone network ("PSTN") 120 through trunk groups.

Vishwanathan discloses the MSC that communicates with the public switched telephone network 120. Vishwanathan fails to disclose that the MSC performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call.

So, the Office Action's citation to Harrison fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action stated (section 3, lines 9-13):

However, Vishwanathan does disclose a mobile switching component (MSC) within an analogous art (FIG. 1, 2).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Vishwanathan's disclosure to expand the system to a mobile network and provide communication for mobile users.

Applicants respectfully submit that these two disparate networks are not analogous art, as suggested by the Office Action. Harrison's invention is directed towards a public switched telephone network. The disclosure of Vishwanathan is directed towards a mobile telecommunication network. The public switched telephone network and the mobile telecommunication network employ different network architectures. In addition, applicants note that FIG. 1 of Vishwanathan shows that the public switched telephone network (PSTN 120) is a separate entity from the mobile switching center (MSC 110). Integration of the public switched telephone network with the mobile switching center for the purpose of adding a barge-in processor to the mobile switching center would not be obvious to one skilled in the art due to the complexity of the combination.

Perry (paragraph 17) discloses:

FIG. 1 is a simplified block diagram of a distributed processing system 10 set in a telecommunications environment. In particular, system 10 is an integrated media switching platform. System 10 includes one or more multi-service fabric (MSF) 12 coupled to one or more multi-service controllers (MSC) 14 via a network. Multi-service controllers (MSC) 14 perform call processing control and user interface functions for integrated media switching platform 10. Multi-service fabric (MSF) 12 provides the physical resources of a switching fabric for routing telephony calls, video data, facsimile data, Internet traffic, and other data. Multi-service fabric 12 is operable to interface with various signaling protocols,

including ISUP (ISDN User Part) SS7 (Signaling System Number 7), GR-303, ISDN (Integrated Services Digital Network) PRI (Primary Rate Interface), in-band signaling, ATM (Asynchronous Transfer Mode), IP (Internet Protocol), and frame relay.

Perry discloses the multi-service controller and multi-service fabric for distributed multi-party call control (Abstract, lines 1-2). Perry fails to disclose the mobile switching component that performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call.

So, the Office Action's citation to Perry fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Bales (column 2, lines 52-67) discloses:

FIG. 1 illustrates a plurality of switch nodes 101-104 that are connected by a plurality of primary rate interface (PRI) links 111-117. Also illustrated are communication terminals 106, 107, and 108 which are capable of supporting a full multimedia call. In addition, wireless terminal 123 is illustrated that is interconnected via a wireless link to base station 122 and from there into switch node 104 via basic rate interface (BRI) link 124. Wireless terminal 123 and communication terminal 107 have a shared line appearance on switch node 104. Shared line appearances are well known in the art. If wireless terminal 123 is active on a telecommunication call, that activity will be displayed on communication terminal 107. A user of communication terminal 107 can become active on the call; and when wireless terminal 123 hangs up, the call will continue to be terminated on communication terminal 107.

Bales discloses the switch nodes for the shared line between the wireless terminal 123 and the communication terminal 107. Bales fails to disclose the mobile switching component that performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call.

So, the Office Action's citation to Bales fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

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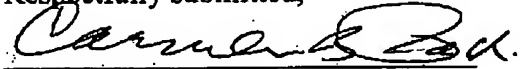
The Office Action's citations to Harrison, Vishwanathan, Perry, and Bales all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Harrison, Vishwanathan, Perry, or Bales of the mobile switching component that performs the barge-in that allows the first user to communicate with the second user of the mobile communication device that is engaged in the preexisting active call, as recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claims 1, 15, and 20 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 15, and 20, as well as for their own additional characterizations.

Withdrawal of the § 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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